

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NATIONAL INDOOR FOOTBALL
LEAGUE, L.L.C.,

Plaintiff,

vs.

R.P.C. EMPLOYER SERVICES,
INC., and DANIEL D'ALIO,

Defendants.

CIVIL ACTION NO.: 02-0548

ELECTRONICALLY FILED

PROPOSED VOIR DIRE

In addition to or to supplement the questions set forth in Local Rule 47.1, the Defendants submit the following Proposed Voir Dire:

1. Have you or any member of your family had any social, business or professional contact with or been employed by the following:
 - (a) R.P.C. Employer Services, Inc.?
 - (b) Daniel J. D'Alio?
 - (c) The National Indoor Football League, LLC?
 - (d) R.P.C. Employer Services, Inc.?
 - (e) Michael J. Seymour, Esquire?
 - (f) Bernard C. Caputo, Esquire?
 - (g) Timothy C. Leventry, Esquire?
 - (h) Any attorney or employee of Feczko and Seymour?
 - (i) Any attorney or employee of Bernard C. Caputo?

- (j) Any attorney or employee of Leventry, Haschak, Rodkey & Klementik, LLC?
- 2. What is your date and place of birth?
- 3. Where do you currently live?
- 4. Are you employed? If so,
 - (a) who is your present employer?
 - (b) for how long have you been employed by that employer?
 - (c) what position do you hold?
- 5. Are you married? If so, is your spouse presently employed? If so,
 - (a) who is his/her employer?
 - (b) for how long has he/she been employed?
 - (c) what position does he/she hold?
- 6. Do you have any children? If so,
 - (a) how old are your children?
 - (b) are your children employed?
 - (c) who is his/her employer?
 - (d) for how long has he/she been employed?
 - (e) what position does he/she hold?
- 7. Does anyone else live with you in your home?
 - (a) who?
 - (b) is he/she employed?
 - (c) who is his/her employer?
 - (d) for how long has he/she been employed?

- (e) what position does he/she hold?
8. Do either you, any member of your immediate family or anyone with whom you reside have a business relationship, friendship or association with any person who is a judge, a lawyer, or a person who works or is affiliated with the Court system.
- (a) If so, please explain.
 - (b) Will that influence your judgment in this case so that you may not be able to be fair and impartial?
9. What is the highest level of education you have completed?
10. Have you, any family member or friend ever had a dispute with an employer or an employee regarding compensation or benefits or ever filed a Workers' Compensation claim against an employer?
11. Have you, any family member, or friend ever been an officer, director or board member of a corporation? If yes, who? What corporation? What was their position?
12. Do you think you would have a tendency to award the Plaintiffs damages just because the Defendants may be able to pay them?
13. Have you, any family member, or friend had any education, training, or work experience in the field of human resources or employment benefits?
14. Have you, any family member, or friend had any education or work experience in the legal field?
15. Have you previously served as a juror? If so, then please state:
- (a) whether it was a civil or criminal case;

- (b) when you served, where you served, the type of lawsuit, and the result of the lawsuit; and
 - (c) whether there was anything about that experience that affects your ability to be fair and impartial in this case.
- 16. Have you ever testified as a witness in any lawsuit? If so, then please state:
 - (a) when you testified, where you testified, the type of lawsuit, and the result of the lawsuit; and
 - (b) whether there is anything about that experience (or about those experiences) that affects your ability to be fair and impartial in this case.
- 17. Have you, any family member, or friend ever sued or been sued by anyone in court? If so,
 - (a) what was the nature of the lawsuit?
 - (b) what was the outcome of the lawsuit?
- 18. Have you, any family member, or friend ever been involved in a dispute or any kind of bad experience over a contract, whether or not that dispute ever resulted in a lawsuit? Did you/they use a lawyer to draft the contract? Did you/they consult a lawyer over the dispute?
- 19. Have you ever been convicted of a crime or misdemeanor (other than for a non-moving traffic violation)? If so explain.
- 20. Have you ever been arrested and charged with any crime? If so, is that charge pending?
- 21. Does the fact that Plaintiff and one of the Defendants in this action is a

corporation affect your ability to be fair and impartial in this case?

22. Do you think that you would have a tendency to award damages against a corporation simply because it is a corporation?
23. Do you understand that you have to decide this case solely on the law, regardless of any sympathy you may feel for any party?
24. The Judge will instruct you that the Plaintiffs have the burden of proving their case. Can you rule in favor of the Defendants if the Plaintiffs do not meet their burden of Proof?
25. If the evidence is in favor of the Defendants, you will be required to rule in favor of the Defendants. Can you rule in favor of Defendants under these circumstances even though it would mean that the Plaintiffs would not receive any compensation whatsoever?
26. Will you listen to the evidence that is presented in this case without making any assumptions or forming any conclusions until you have heard all the evidence?
27. Will you be able to return a verdict based on the evidence and on the law and not be swayed by prejudice, sympathy, or any other sentiment for or against any party?
28. Do you believe that solely because the Plaintiff filed a lawsuit in this matter, it is automatically entitled to recover compensation?
29. Do you believe that the Defendants must have done something wrong merely because it has been named as Defendants in this case?

30. Is there anything else this Court should know regarding your possible services as a juror in this case?

s/ Bernard C. Caputo

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s/ Michael J. Seymour

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CERTIFICATE OF SERVICE

We, the undersigned, do hereby certify that true and correct copies of the foregoing DEFENDANT'S PROPOSED VOIR DIRE has been electronically served through the CM/ECF electronic filing system this 20th day of March, 2006.

s/ Bernard C. Caputo
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